

ESTTA Tracking number: **ESTTA675915**Filing date: **06/03/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	GreenPages, Inc.
Granted to Date of previous extension	06/03/2015
Address	33 Badgers Island West Kittery, ME 03904 UNITED STATES
Attorney information	James F. Keenan, Jr. Bernstein Shur Sawyer & Nelson 100 Middle StreetP.O. Box 9729 Portland, ME 04104 UNITED STATES jkeenan@bssn.com Phone:(207) 774-1200

Applicant Information

Application No	86110924	Publication date	02/03/2015
Opposition Filing Date	06/03/2015	Opposition Period Ends	06/03/2015
Applicant	Pertino, Inc. 973 University Avenue Los Gatos, CA 95032 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Computer services, namely, remote and on-site management of cloud computing systems and applications for others; computer services, namely, remote and on-site management of the cloud computing systems of others; hosting the software, websites and other computer applications of others on a virtual private server; cloud computing featuring software for facilitating communication between wireless devices; design, deployment and management of cloud-based computing networks for others; cloud-based computer network services, namely, computer network configuration services, computer network design for others, computer Network as a Service (NAAS) in the nature of management of a virtual private computer network for others, computer network data encryption services, computer network application services performed via a cloud-based computer network in the nature of management of a virtual network for others, and computer network transport services in the nature of management of a virtual private transport network for others; Platforms as a Service (PAAS) featuring computer software platforms for facilitating cloud-based communications between wireless devices; software as a service, namely, software for the integration of computer systems and networks, for connecting to cloud hosting provider services, and for the purpose of managing storage virtualization devices and applications over a cloud network; application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites of others in the fields of cloud computing and virtualization technology.

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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4397160	Application Date	04/30/2012
Registration Date	09/03/2013	Foreign Priority Date	NONE
Word Mark	CLOUDSCAPE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2011/08/30 First Use In Commerce: 2011/08/30 Education services, namely, seminars and workshops in the field of information technology		

Attachments	85611502#TMSN.png(bytes) 20150603 Notice of Opposition.PDF(142737 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/James F. Keenan, Jr./
Name	James F. Keenan, Jr.
Date	06/03/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

GreenPages, Inc.)	Mark: CLOUDSCAPE
)	
Opposer,)	Serial No.: 86/110,924
)	
v.)	Filed: November 5, 2013
)	
Pertino, Inc.,)	Int'l Cl.: 042
)	
Applicant.)	Published: February 3, 2015

NOTICE OF OPPOSITION

In the matter of the above-identified application for the registration of a trademark, Opposer, GreenPages, Inc., a corporation duly organized and existing under the laws of Delaware, with a place of business at 33 Badgers Island West, Kittery, Maine 03904 (collectively, “Opposer”) believes it would be damaged by the registration of the mark shown in Serial No. 86/110,924 within International Class 042 and therefore opposes registration of said mark within such International Class.

The grounds for opposition are as follows:

Priority and likelihood of confusion - Trademark Act section 2(d)

1. To the best of Opposer’s knowledge, Applicant owns U.S. Serial No. 86/110,924 (the “‘924 Application”) for the trademark CLOUDSCAPE, and has an intention to use such mark in relation to the following services:

- Computer services, namely, remote and on-site management of cloud computing systems and applications for others; computer services, namely, remote and on-site management of the cloud computing systems of others; hosting the software, websites and other computer applications of others on a virtual private server; cloud computing featuring software for facilitating communication between wireless devices; design, deployment and management of cloud-based computing networks for others; cloud-based computer network services, namely, computer network configuration services, computer network design for others, computer Network as a Service (NAAS) in the nature of management of a virtual private computer network for others, computer network data encryption services, computer network application services performed via a cloud-based computer network in the nature of management of a virtual network for others, and computer network transport services in the nature of management of a virtual private transport network for others; Platform as a Service (PAAS) featuring computer software platforms for facilitating cloud-based communications between wireless devices; software as a service, namely, software for the integration of computer systems and networks, for connecting to cloud hosting provider services, and for the purpose of managing storage virtualization devices and applications over a cloud network; application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites of others in the fields of cloud computing and virtualization technologies for enterprises and businesses in International Class 042.

2. Opposer has, since at least as early as August 30, 2011, used the word CLOUDSCAPE as its trademark in relation to education services, namely, seminars and workshops in the field of information technology, in particular in relation to cloud computing technology, as well as related services, all of which are marketed in similar channels of commerce as the services set forth within International Class 042 of the ‘924 Application.

3. Opposer is the owner of the following United States trademark registration for the word mark CLOUDSCAPE (as evidenced by the Certificate of Registration attached as Exhibit A):

Reg. No.	Mark
4397160	CLOUDSCAPE

4. Applicant's mark as depicted in the '924 Application, is identical to Opposer's registered trademark as set forth in U.S. Reg. No 4397160, such that the use of Applicant's mark on the services set forth in the '924 Application is likely to cause confusion, to cause mistake, and/or to deceive purchasers and others as to the source or origin of Applicant's products, thereby causing irreparable harm and damage to Opposer.

Relief Requested

Opposer respectfully requests that:

- (i) U.S. Appl. Ser. No. 86/110,924 be refused; and
- (ii) the Trademark Trial and Appeal Board award such other and further relief to Opposer as it deems just.

Date: June 3, 2015

Respectfully submitted,

/s/James F. Keenan, Jr.
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Attorney for Opposer

Proof of Service

I hereby certify that on this 3rd day of June 2015, a true and correct copy of the foregoing **Notice of Opposition** was served by email and Federal Express, to Applicant's counsel as follows:

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Exhibit A

See Attached

United States of America
United States Patent and Trademark Office

CLOUDSCAPE

Reg. No. 4,397,160

Registered Sep. 3, 2013

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

GREENPAGES, INC. (DELAWARE CORPORATION)
P.O. BOX 901
33 BADGERS ISLAND WEST
KITTERY, ME 03904

FOR: EDUCATION SERVICES, NAMELY, SEMINARS AND WORKSHOPS IN THE FIELD OF INFORMATION TECHNOLOGY, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 8-30-2011; IN COMMERCE 8-30-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-611,502, FILED 4-30-2012.

ALICE BENMAMAN, EXAMINING ATTORNEY



Lisa Street Lee

Acting Director of the United States Patent and Trademark Office